IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25092 of 2004

Between:

G. Thoyajakshi Reddy, S/o. Rajagopal Reddy,
R/o. Pathagunta Village, Vedurukuppam Mandal, Chittoor Dsitrict.

..... PETITIONER

AND

1 The Joint Collector, Chittoor, Chittoor District.
2 The Revenue Divisional Officer, Chittoor, Chittoor District.
3 The Mandal Revenue Officer, Vedurukuppam Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the 2nd respondent in keeping the petitioner authorization under suspension in proceedings Roc.B/2605/2004 dt. 7.9.2004 without conducting an enquiry as illegal and arbitrary and consequentially set aside the proceedings Roc. B/2605 of 2004 dt. 7.9.2004 of the 2nd respondent.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORAL ORDER:

The 2nd respondent suspended the authorization of the petitioner through his order, dated 7.9.2004 on certain allegations.

The petitioner preferred an appeal before the 1st respondent along with an application for grant of stay. Alleging that no orders have been passed by the 1st respondent on the said petition, he filed W.P.No.18499 of 2004 in this Court. The writ petition was disposed of on 11.10.2004 directing the 1st respondent to dispose of the application for stay without any further delay. It is represented that the 1st respondent passed an order, dated 23.11.2004 directing the 2nd respondent to pass appropriate orders in the main proceedings without indicating as to whether any stay was granted or rejected or whether the order under appeal is set aside or confirmed. The petitioner seeks a declaration of the action of the 2nd respondent in keeping the authorization of the petitioner under suspension for such a long time as illegal and arbitrary and seeks appropriate directions.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner had approached the appellate authority aggrieved by the order of suspension. Complaining the inaction on the part of the 1st respondent, he filed a W.P.No.18499 of 2004. It is stated that the 1st respondent had simply disposed of the appeal without indicating any result thereof. It is difficult for this Court to express any opinion on the same for the reason that the petitioner has not placed a copy of that order before this Court.

Be that as it may, it is already more than three months that the

authorization of the petitioner was suspended. The allegations are not so grave as to warrant suspension for such a long time. In fact, the suspension order against the petitioner has turned out to be a punishment by itself. A Division Bench of this Court in its decision rendered in ***JOINT COLLECTOR, KURNOOL Vs. A.NEELIMA*** held that the suspension of a dealer cannot be continued beyond 90 days except where extraordinary circumstances exist.

For the foregoing reasons, the writ petition is disposed of directing that the 2nd respondent shall pass appropriate order in the proceedings initiated against the petitioner within a period of three weeks from the date of receipt of a copy of this order. In case no orders are passed within the stipulated time, the order of suspension shall stand revoked. There shall be no order as to costs.

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(L. NARASIMHA REDDY, J.)

31st December, 2004

To

1. The Joint Collector, Chittoor, Chittoor District.
2. The Revenue Divisional Officer, Chittoor, Chittoor District.
3. The Mandal Revenue Officer, Vedurukuppam Mandal, Chittoor District.

4. 2 CCs to G.P. for Civil Supplies, High Court Buildings,
Hyderabad. (OUT)

5 2 CD copies.

Note: Furnish copy by Monday

(b/o)

bcj